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November 16, 2016

**VIA ECF**

The Honorable William F. Kuntz II  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Jeffrey Thomas v. City of New York, et al.*, No. 15-CV-4107 (WFK) (JO)

Dear Honorable Judge Kuntz:

Please recall that this office represents the Plaintiff Jeffrey Thomas in the above-referenced matter. Per Your Honor's Individual Rules, I write today to request an adjournment of Plaintiff's deadline to respond to Defendants' motion for summary judgment. This is Plaintiff's first request for such an extension.<sup>1</sup>

The extension is necessary primarily because discovery is incomplete, and the as-of-yet produced discovery is essential for Plaintiff to respond to certain claims and defenses raised by Defendants in their premature motion for summary judgment. In that regard, the Honorable Judge Orenstein entered an order dated November 16, 2016 setting down a briefing schedule on Plaintiff's letter motion to compel discovery. *See* Docket No. 38. Defendant's response to Plaintiff's letter motion to compel discovery is due on November 18, 2016, and a status conference is scheduled for December 7, 2016.

Plaintiff has attempted to conference these issues with Defendants' counsel in numerous emails and telephone calls. On November 15, 2016, after speaking with Assistant Corporation Counsel Joshua Friedman on the telephone, I sent him proposed stipulation via email that would have extended Plaintiff's deadline to respond to Defendant's motion for summary judgment, and would have also extended Defendants' deadline to respond to Plaintiff's letter motion to compel discovery. I followed up by sending Mr. Friedman emails last night and this morning when he is

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<sup>1</sup> Plaintiff's letter motion dated November 14, 2016, requested an adjournment of Plaintiff's deadline to respond to Defendants' motion for summary judgment, however, our office incorrectly filed the letter motion on ECF under the "stay" tab, and so it appears from the ECF order dated November 15, 2016 that Your Honor considered Plaintiff's letter motion to be a request for a stay of discovery.

available today to speak on the telephone regarding the proposed stipulation. As of the filing of this letter, Mr. Friedman has not responded to these emails.

Mr. Thomas' response is currently due on November 18, 2016, and Defendants' reply is due December 9, 2016. We respectfully ask that the Court set the following revised schedule: Plaintiff's opposition papers to be served on December 28, 2016, and Defendants' reply papers to be served on January 11, 2016.

Thank you for your time and consideration. Please do not hesitate to have your clerk contact us with any questions or concerns.

I remain,

Very Truly Yours,

~/s/~/

Elliot D. Shields, Esq.

cc: All parties via ECF